

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/161,028	09/25/98	HUEBNER	R ONTO-106XX

LM02/1110

EXAMINER

KULIK, P

ART UNIT

PAPER NUMBER

2777

5

DATE MAILED: 11/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/161,028

Applicant(s)

Examiner

Kutik

Hubner et al.
2777

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (THREE) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 9/25/98, 1/11/99 and 4/1/99.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1 - 18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1 - 18 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 3, 4 Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 2777

1. This application has been examined. Claims 1-18 are pending.
2. Acknowledgement is made of applicants' claim of domestic priority based on provisional application numbers 60/069,157, filed December 9, 1997 and 60/059,939, filed September 26, 1997.
3. The Information Disclosure Statements filed January 11, 1999 and April 1, 1999 have been received and considered. See attached forms PTO-1449.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
5. Claims 1-18 are rejected under 35 U.S.C. § 102(e) as having been anticipated by U.S. Patent No. 5,627,979 issued to Chang et al (hereafter Chang).
6. Chang anticipated the claimed method and computer program for providing access to and interfacing an object oriented software application with a relational database. In particular Chang

Art Unit: 2777

disclosed the generation of a schema map for mapping the attributes and inheritances of classes of objects (as claimed in claims 2-7 and 11-16) as described in Section 2 of the patent. Additionally as claimed Chang utilized an interface object derived from the mapping to access the relational database (as claimed in claims 1, 8, 9, 10, 17 and 18).

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to the Examination Guidelines for Computer-Related Inventions, 61 Fed. Reg. 7478 (1996), computer programs per se are not statutory subject matter. The Guidelines indicate that a claim to simply a “computer program” that does not define the invention in terms of specific steps to be performed on or using a computer should not be classified as a statutory process. Because claims 10-18 relate only to “routines” they are not seen to define specific steps to be performed and are therefore considered non-statutory.

Art Unit: 2777

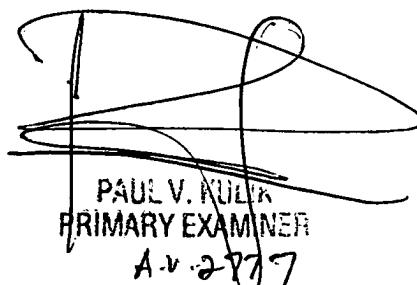
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Accordingly, applicants should consider these documents before any response to this Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kulik whose telephone number is (703) 305-3831. The examiner can normally be reached from Monday through Thursday between 8:30am and 6:00pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anton Fetting, can be reached on (703) 305-8449. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5403.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

PVK/11-8-99


PAUL V. KULIK
PRIMARY EXAMINER
A.v.2777